

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1 and 16 have been amended. New claims 26-33 have been added to include the allowable subject matter of claim 12 rewritten in independent form. Claims 17 and 18 are allowed. No new matter has been added.

§102 Rejection

Claims 1, 4, 5, 7, 9 and 14 were rejected under 35 USC §102(b) as being anticipated by Barritt (US 6,271,504). Applicants respectfully traverse this rejection.

Barritt discloses a cooking cartridge for use in a combination stove top and over appliance. The Barritt reference is focused on a second cooking cartridge 49 that is mounted in a top surface of the appliance. The cartridge 49 includes a pair of heating elements 105, 106 that are separately controlled with knobs 39, 40. The appliance also includes a first cooking cartridge 46 that is also mounted on the top surface of the appliance. The first cooking cartridge 46 includes heating elements 43, 44, which are separately controlled by knobs 37, 38. Barritt discloses at col. 4, line 61 to col. 5, line 19 various combinations of operating the heating elements 105, 106 to provide grilling, baking and searing cooking functions with the second cooking cartridge 49. Barritt clearly discloses that the heating elements 105, 106 are configured for operation simultaneously or individually. Barritt further explains that the heating elements 43, 44 can be operated in the same manner as heating elements 105, 106.

Barritt fails to disclose a cooking assembly having first and second heating elements and a single power source coupled to the first and second heating elements, wherein the cooking assembly is configured to "direct power from the single power source to either only the first electric heating element or only the second electric heating element for operation at a given time", as required by claim 1. The multiple heating elements 43, 44, 105, 106 disclosed by Barritt are operable individually or simultaneously. Barritt fails to disclose or teach in any way that the only one of the heating elements 43, 44, 105, 106 can be operated at a given time. Therefore, Barritt fails to disclose every limitation of claim 1 and the claims that depend from it.

Further to the above, Applicants respectfully disagree with the assertion in the rejection that the limitations in claim 1 related to the control of power to the heating elements are merely

intended use. The limitations of claim 1 related to the control of power to the heating elements are actual features of the cooking assembly dictated by the arrangement and configuration of features included in the cooking assembly. One benefit of the claimed power control is that sufficient heat can be generated for cooking on one of the first or second cooking surfaces (depending on which of the heating elements is in operation) using a 110-120V power source (dependent claim 3). This functionality is not possible in the prior art.

§103 Rejection

Claims 1, 3-11 and 13-16 were rejected under 35 USC §103(a) as being unpatentable over Hopponen (US 6,437,291) in view of Christopher (US 6,037,571). Applicants respectfully traverse this rejection.

Hopponen discloses a grill plate 20 having a hot plate cooking surface 25 for frying and a set of racks 27 for grilling/barbecuing. The entire plate 20 is heated by a single heating element that is either "built-in" as resistance coils 67 or is positioned in close proximity to the plate 20. When configured as a rotisserie, the grill plate 20 and its related heating element is removed and a separate set of heating elements (heating rods 90) are provided across the back plate 15. Hopponen fails to disclose or suggest a separate heating element for use with the cooking surface 25 and a separate heating element for use with the racks 27 of the grill plate 20. Hopponen fails to disclose or suggest "the cooking assembly configured to direct power from the single power source to either only the first electric heating element or only the second electric heating element for operation at a given time," as required by claim 1, or "delivering current flow from the single power source to only one of the first heating element or the second heating element at a given time," as required by claim 16.

Christopher fails to remedy the deficiencies of Hopponen as it relates to claims 1 and 16. Christopher discloses a dual power source electric grill. The grill uses both AC power and DC power sources concurrently to provide maximum heat output. The grill includes a first heating element 40 powered by the DC power source and a second heating element 50 powered by the AC power source. The DC and AC heating elements 40, 50 heat a single cooking surface and are separately controlled to be turned ON and OFF in any combination (e.g., both the DC and AC heating elements "on" at the same time, or one element "on" and the other element "off"). The

core of the invention disclosed in the Christopher reference is to use two different power sources, wherein the power sources are different types of power source individually or simultaneously, for heating a single cooking surface. Christopher does not disclose or suggest a control arrangement in which only one of the heating elements 40, 50 can be operated at a given time. Thus, Christopher, alone or in combination with Hopponen fails to disclose or suggest an electric cooking assembly having those features required by claims 1 and 16 and the claims that depend from it.

New Claims


New claims 26-33 have been added. Claim 26 includes the allowable subject matter of claim 12 rewritten in independent form. Dependent claims 27-33 track the limitations of some of claims 3-11. Consideration and allowance of new claims 26-33 is respectfully requested.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.

Respectfully submitted,

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